

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Dan C. Hu (Reg. No. 40,025) on 8/17/10.

3. The application has been amended as follows:

In each of claims 12-13, 15-17, 26-27, and 32-35, at line 1, before "computer-readable," add "non-transitory."

4. The following is an examiner's statement of reasons for allowance:

5. The prior arts of record do not explicit teach or render obvious the invention as recited in the independent claims.

6. The Hill prior art discloses a method, system and instructions stored in a non-transitory medium for allocating resources to a plurality of applications, comprising: determining, by a computer, available resources of a networked computing system, wherein the available resources comprise processing resources, networking resources, and storage resources; determining, by the computer, for each application, required resources of the application; determining, by the computer, an assigned subset of the available resources for each application as a function of the

required resources of the application and the available resources, wherein the function is in conformance with bandwidth capacity requirements of the application and in conformance with network bandwidth limitations; and associating the applications with the assigned subsets of resources.

7. The Borowsky prior art teaches determining available resources for each application is based on a linearized objective, wherein it includes a linear combination of variables.

8. However, the invention as specifically claimed regarding “determining the assigned subset of available resources for each application based on a linearized objective function that reduces communication delays between resources of the subset of the available resources in conformance with bandwidth capacity requirements of the application and in conformance with network bandwidth limitations,” as a well as “determining the required resources of each application specifying a type of servers on which the application can be hosted, the type of servers being based on attributes of the servers including attributes relating to processor architecture and processing power, wherein the servers are part of the processing resources” when taken in the context of the claims as a whole, was not uncovered in the prior art teaching.

9. Neither a reference uncovered that would have provided a basis of evidence for asserting a motivation, nor one of ordinary skilled in the art at the time of the invention was made, knowing the teaching of the prior arts of record would have combined them to arrive at the present invention as recited in the context of independent claims 1, 9, 18, and 26.

10. Dependent claims are allowed as they depend upon allowable independent claims.

11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENNETH TANG whose telephone number is (571)272-3772. The examiner can normally be reached on 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth Tang/
Examiner, Art Unit 2195